

REMARKS

Upon entry of the foregoing Amendment, claims 1, 3-5, 10, 12, 13, 26, and 28-39 are pending in the application, claims 2, 6-9, 11, 14-25, and 27 having been previously cancelled. Claims 1, 10, 12-13, and 32-33 have been amended; claims 38-39 are newly added. Applicants believe that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

By the foregoing Amendment, Applicants have amended and/or Cancelled various claims solely for purposes of expediting prosecution of this Application. Applicants expressly reserve the right to prosecute the subject matter of any claim pending prior to the foregoing Amendment, or any other subject matter supported by the Specification, in one or more continuation and/or divisional applications.

Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1, 3-5, 10, 12, 13, 26, and 28-34 under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0177471 by Kaaresoja *et al.* ("Kaaresoja"). Applicants traverse this rejection because the reference relied upon by the Examiner does not disclose each and every feature of the claimed invention.

More particularly, Kaaresoja does not disclose at least the feature of generating an output signal that includes "a haptic code configured to distinctly identify the first handheld communication device and a status event" as recited in claim 1, for example. Claims 10 and 26 recite similar features.

In the December 2009 Office Action, the Examiner alleges that Kaaresoja at paragraph 0024, lines 9-11, excerpted below, discloses this feature. *December 2009 Office Action* at page 3.

The inventors determined that ***tactile icons can be sent*** and received as smart messages in much ***the same way*** as ringing tones and business cards...

Kaaresoja at ¶ 0024, ll. 9-11 (emphasis added). This passage of Kaaresoja apparently describes an ability to send "tactile icons" via smart messages in the same way as business cards, not a haptic code that is configured to distinctly

identify the first handheld communication device and a status event as claimed. In other words, the **tactile icons of Kaaresoja do not convey a business card** as the Examiner alleges **but rather are sent in the same way as a business card**. Thus, the tactile icons of Kaaresoja do not distinctly identify the first handheld communication device and a status event as claimed.

Furthermore, even if the tactile icons of Kaaresoja convey business cards, which Applicants expressly do not concede, such business cards do not distinctly identify the first handheld communication device and a status event as claimed. In the December 2009 Office Action, the Examiner alleges that the "Kaaresoja '471 business card event can distinctly identify the caller hence the calling device and at the same time convey status event such as business solicitation." *December 2009 Office Action* at pages 9-10. This allegation is factually erroneous.

Even if the business card event of Kaaresoja identifies the caller as alleged by the Examiner, the business card event does not necessarily identify the first handheld communication device as claimed. For instance, the business card may include multiple phone lines of the caller. This very possibility precludes the business card from distinctly identifying the handheld communication device, let alone the handheld communication device and a status event as claimed. Absent disclosure that the business card distinctly identifies the handheld communication device, there is no evidence to support the Examiner's interpretation of Kaaresoja. Thus, the Examiner has made an interpretation of at least this portion of Kaaresoja without a factual basis for doing so.

Additionally, the business card event of Kaaresoja does not necessarily identify the status event such as a business solicitation as alleged by the Examiner. For instance, a communication from a caller that includes the business card may have a personal, business, or other purpose. In other words, the business card may be included in different communications with different status events. Again, this very possibility precludes the business card from distinctly identifying the status event, let alone the handheld communication device and the status event as claimed. Absent disclosure that the business card distinctly identifies the status event, there is no evidence to support the Examiner's interpretation of Kaaresoja. Accordingly, the

Examiner has again made an interpretation of at least this portion of Kaaresoja without a factual basis for doing so.

For at least the foregoing reasons, Kaaresoja fails to disclose all the features of claims 1, 10, and 26. Accordingly, the rejection of these claims is improper and must be withdrawn. Claims 3-5, 12, 13, 26, and 28-31 depend from and add features to one of claims 1, 10, and 26. These dependant claims are not anticipated by Kaaresoja for at least the reasons set forth above with regard to claims 1, 10, and 26. Accordingly, the rejection of these dependant claims is improper and must be withdrawn.

Rejection Under 35 U.S.C. § 103

The Examiner has rejected claims 32-34 under 35 U.S.C. § 103 as allegedly being unpatentable over Kaaresoja in view of U.S. Patent No. 6,028,531 to Wanderlich ("Wanderlich"). The Examiner has rejected claims 35-37 under 35 U.S.C. § 103 as allegedly being unpatentable over Kaaresoja in view of U.S. Patent Application Publication No. 2003/0236729 by Epstein *et al.* ("Epstein") and in view of U.S. Patent Application Publication No. 2002/0107936 by Amon ("Amon"). Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention.

Claims 32-34 have been amended to recite features similar to claim 1 discussed above. Claims 35-37 depend from and add features to one of claims 1, 10, and 26. Wanderlich, Epstein and Amon fail to cure the deficiencies of Kaaresoja discussed above with regard to claims 1, 10, and 26. For at least these reasons, the references relied upon by the Examiner, either alone or in combination with one another, fail to teach or suggest all the features of these claims. Accordingly, the rejection of these claims is improper and must be withdrawn.

New claims 38-39

Applicants have newly added claims 38-39, which depend from and add features to claim 1. For at least the reasons discussed above with regard to claim 1,

these new dependent claims are allowable over the references relied upon by the Examiner.

Furthermore, none of the references relied upon by the Examiner disclose, teach, or suggest at least the feature of "wherein the output signal is sent during a chat session between the first handheld communication device and the second handheld communication device" as recited by claim 38.

Additionally, none of the references relied upon by the Examiner disclose, teach, or suggest at least the feature of "wherein the haptic code is configured to be directly applied to an actuator of the second handheld communication device to cause the haptic effect" as recited by claim 39.

For at least the foregoing reasons, these newly added claims are allowable over the references relied upon by the Examiner. Notice to that effect is respectfully requested.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the Application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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